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These lectures make no such attempt to determine the province of jurisprudence, as was the purpose of the painful and laborious logic of John Austin. They contain no such searching analysis of legal ideas as is to be found in the classical treatise of Professor Holland. Their force is spent upon the general theorem, that "the whole private law, which governs much the larger part of human conduct, has arisen from and still stands upon custom, and is the necessary product of the life of society, and therefore incapable of being made at all." Or, as he states it in another place, that "Law is self-created and self-existent, and can neither be made nor abrogated, however it may be, in some degree, incidentally shaped, enlarged and modified, by legislation." To the demonstration of this theorem, Mr. Carter brings in cumulative form the arguments and illustrations which he had advanced many times before.

Whether one agrees with him or not, the book is of great interest as an expression of the deliberate and mature conviction of one of the most thoroughly trained and powerful legal minds which this country has yet produced. A wider knowledge of its views could not fail to have a salutary effect upon the all too prevalent and mischievous notion that most of the evils which exist in the world can be cured by legislation, and that men can be made good and honest by mere act of Parliament.

FLOYD R. MECHEM.

*Thucydides Mythistoricus.* By FRANCIS MACDONALD CORNFORD, Fellow and Lecturer of Trinity College, Cambridge. (London: Edward Arnold. 1907. Pp. xvi, 252.)

THIS book falls into two distinct parts—Thucydides Historicus, and Thucydides Mythicus. The first part attempts to prove the complete inadequacy of Thucydides's account of the origin of the Peloponnesian War, and develops "a very different theory of the real causes of the war". The second part attempts an answer to the question "why Thucydides has told us about this matter . . . so exceedingly little that appears to us relevant". Baldly stated, this sounds iconoclastic, but nothing can be more reverent than the author's treatment of the greatest historian of antiquity, on whose mind, methods and work he has shed much new and welcome light. One may dissent from the main propositions of this stimulating study, and yet be grateful for the richness and fullness of its suggestion. It has the brilliant ingenuity and the tantalizing inconclusiveness to be expected in an ardent pupil and admirer of Professor Verrall.

For, after all, is Thucydides's account of the origin of the Peloponnesian War "remarkably inadequate"? He set out to tell how, not why it originated. In the long retrospect, for the historian's account was undoubtedly written after the close of the long struggle, Sparta's jealousy of Athens is the dominant element of hostility and has been

allowed to obscure the more malignant commercial jealousy which Corinth felt towards Athens in the years immediately preceding the outbreak of the war, and which was the immediate cause of the first, or Archidamian War, inasmuch as it was clearly this which drove the Spartans into the war. This is the only correction which needs to be made in the estimate of Thucydides, and he himself furnishes the material for the correction. This has been ably set forth by Eduard Meyer (*Forschungen*, II. 296-326).

Thucydides protests against the popular idea, that Pericles, for personal reasons, deliberately precipitated the war by proposing and carrying the decree excluding the Megarians from the harbors of the Athenian empire. That was, of course, a violation of the treaty of 445, but it was the reply of Pericles to the still more flagrant violation of the treaty by Corinth in her succor of Potidaea, a rebellious city of the Athenian empire. The object of the decree was to show, by a stroke at the most vital commercial interest of Corinth, that while Athens deprecated war, she would not refuse it if it were forced upon her. By consummate diplomacy she had avoided committing an act of war in the struggle between Corinth and Corcyra. But she had inflicted a fatal blow upon the commercial supremacy of Corinth in the West, and war was sure to come. Athens would not begin the war, in which, since Pericles insisted upon a purely defensive policy, no glory or additional territory was to be won; but she would not yield to any humiliating demands from the enemy, and such the demand to rescind the Megarian decree surely was, and was intended to be, as was the demand to expel the Alcmaeonid "pollution", and still more the demand to abandon her empire. Thucydides makes it clear, by reiteration, that Pericles did not desire war, and did not precipitate war, but merely heartened his countrymen up to the point of declining an insulting ultimatum. Here, as ever, "he led, rather than was led by them".

The Megarian decree, as Mr. Cornford contends, was not the main issue, but Corinthian commercial supremacy in the West, and that had already been destroyed by the defensive alliance of Athens with Corcyra, for which the succor of Potidaea was retaliation. All this is made perfectly clear by Thucydides, although he is reticent about and no doubt ignorant of the economic details underlying this struggle for the commerce of the West. Here Mr. Cornford's study brings much welcome light, as Ferrero has shed new light on the economic problems of the Roman revolution. For such details an ancient historian has no eye. Nor can we follow Mr. Cornford in his contention that the great Sicilian expedition was already on the cards of a "party of the Piraeus", and was practically forced upon Pericles by that party along with the Megarian decree. If any one could be tempted to project too far back in Athenian politics the fatal design of a conquest of Sicily, it would surely be the historian who has made so august a tragedy of his story of the attempt. If he does not "read the origin of the war

in the light of the Sicilian expedition", it is not because preoccupation with "mythical" topics diverts his mind from essential factors in the economic situation, but because he knows that the great infatuation had not spread among his countrymen before the death of Pericles sufficiently to become a political factor.

With the second part of his study, Thucydides Mythicus, Mr. Cornford renders valuable aid to the proper understanding of the artistic side of the work of Thucydides. Especially does he help to an explanation of the artistic gulf which yawns between the first three books and books IV. to VII. In the former, the author deals with facts in the dry, severe manner of the annalist. In the latter, facts "win over into the mythical"; the external form of the history shows conscious imitation of tragedy; the technical construction and the psychology of the Aeschylean drama are extensively adopted. There is a *Tychê* at work personally in the affair of Pylos; a *Peithô*, or *Apatê*, incarnate in Cleon, tempts the Athens which the *Tychê* of Pylos has intoxicated; *Eros*, the tyrant passion, incarnate in Alcibiades, drags the tempted city to her Reversal of Fortune at Syracuse. "To Thucydides the Ionian tradition of Epos and story-telling is anathema; his introduction is a judicial and earnest polemic against it and all its works. . . . It is to the religious drama which grew up at Dionysus' festivals in Pelasgian Athens, not to the Epos which had flowered at the Ionian gatherings and now was overblown, that Thucydides turns for his inspiration."

B. PERRIN.

*Storia dei Romani. La Conquista del Primato in Italia.* By GAETANO DE SANCTIS. In two volumes. (Milano, Torino and Roma: Fratelli Bocca. 1907. Pp. xii, 458; viii, 575.)

ONE result of the growth of the national spirit in united Italy is the increasing interest displayed by Italian scholars in the early history of their country and especially of Rome. This is illustrated very strikingly by the publication within a decade of the first parts of two general histories, covering practically the same period, from the founding of the city to the conquest of the peninsula. The first of these, Pais's *Storia di Roma*, was widely discussed and aroused considerable opposition because of the author's extreme scepticism in regard to the credibility of Roman history down to the Samnite wars, and also because of the ingenious but not always convincing combinations by which he explained the growth of the accepted tradition. On the whole, however, Pais's critical principles approved themselves to the majority of scholars, and his work is the most important contribution to the subject since Mommsen.

After an interval of only eight years comes De Sanctis, whose aim is made clear in the dedication of the present work to Beloch, where he says that the field of Roman history is now the scene of a noisy con-